

(c) Criminal history record information obtained by an institution of higher education under Subsection (b) may be used by the chief of police of the institution or by the institution's housing office only for the purpose of evaluating current students or applicants for enrollment who apply to reside in on-campus housing at the institution. The institution shall notify a student who is the subject of the criminal history record information of any use of the information to deny the student the opportunity to reside in on-campus housing at the institution.

(d) Criminal history record information received by an institution of higher education under Subsection (b) may not be released or disclosed to any person except on court order or with the consent of the person who is the subject of the criminal history record information.

(e) As soon as practicable after the beginning of the academic period for which the person's housing application was submitted, all criminal history record information obtained about a person under Subsection (b), including any copy of the content of that information held by the institution, shall be destroyed by the chief of police of the institution of higher education or by the institution's housing office, as applicable.

SECTION 3. The change in law made by this Act applies only to a person who applies to reside in on-campus housing at a public institution of higher education for an academic period that begins on or after the effective date of this Act.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Passed the Senate on March 27, 2013: Yeas 30, Nays 0; the Senate concurred in House amendment on May 23, 2013: Yeas 31, Nays 0; passed the House, with amendment, on May 20, 2013: Yeas 132, Nays 7, two present not voting.

Approved June 14, 2013.

Effective June 14, 2013.

CHAPTER 1149

S.B. No. 148

AN ACT

relating to certain legal advice or legal services rendered to certain public servants.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 36.10, Penal Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) Sections 36.08 (Gift to Public Servant) and 36.09 (Offering Gift to Public Servant) do not apply to:

(1) a fee prescribed by law to be received by a public servant or any other benefit to which the public servant is lawfully entitled or for which he gives legitimate consideration in a capacity other than as a public servant;

(2) a gift or other benefit conferred on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient; ~~or~~

(3) a benefit to a public servant required to file a statement under Chapter 572, Government Code, or a report under Title 15, Election Code, that is derived from a function in honor or appreciation of the recipient if:

(A) the benefit and the source of any benefit in excess of \$50 is reported in the statement; and

(B) the benefit is used solely to defray the expenses that accrue in the performance of duties or activities in connection with the office which are nonreimbursable by the state or political subdivision;

- (4) a political contribution as defined by Title 15, Election Code;
- (5) a gift, award, or memento to a member of the legislative or executive branch that is required to be reported under Chapter 305, Government Code;
- (6) an item with a value of less than \$50, excluding cash or a negotiable instrument as described by Section 3.104, Business & Commerce Code;
- (7) an item issued by a governmental entity that allows the use of property or facilities owned, leased, or operated by the governmental entity; ~~or~~
- (8) transportation, lodging, and meals described by Section 36.07(b); or
- (9) *complimentary legal advice or legal services relating to a will, power of attorney, advance directive, or other estate planning document rendered:*
 - (A) *to a public servant who is a first responder; and*
 - (B) *through a program or clinic that is:*
 - (i) *operated by a local bar association or the State Bar of Texas; and*
 - (ii) *approved by the head of the agency employing the public servant, if the public servant is employed by an agency.*
- (e) *In this section, "first responder" means:*
 - (1) *a peace officer whose duties include responding rapidly to an emergency;*
 - (2) *fire protection personnel, as that term is defined by Section 419.021, Government Code;*
 - (3) *a volunteer firefighter who performs firefighting duties on behalf of a political subdivision and who is not serving as a member of the Texas Legislature or holding a statewide elected office;*
 - (4) *an ambulance driver; or*
 - (5) *an individual certified as emergency medical services personnel by the Department of State Health Services.*

SECTION 2. The change in law made by this Act applies only to the prosecution of an offense committed on or after the effective date of this Act. The prosecution of an offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

SECTION 3. This Act takes effect September 1, 2013.

Passed the Senate on March 13, 2013: Yeas 31, Nays 0; the Senate concurred in House amendment on May 23, 2013: Yeas 31, Nays 0; passed the House, with amendment, on May 14, 2013: Yeas 143, Nays 0, two present not voting.

Approved June 14, 2013.

Effective September 1, 2013.

CHAPTER 1150

S.B. No. 149

AN ACT

relating to the Cancer Prevention and Research Institute of Texas.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 102.001, Health and Safety Code, is amended by adding Subdivision (2-a) and amending Subdivision (3) to read as follows:

(2-a) *"Program integration committee" means the Cancer Prevention and Research Institute of Texas Program Integration Committee.*